IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 113 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KISHANBHAI SHIVABHAI CHAUHAN

Versus

REGISTRAR

Appearance:

1. Special Civil Application No. 113 of 1992

MR DAXESH T DAVE for Petitioner No. 1

MR ND GOHIL A.G.P. for Respondent No. 1-2

RULE SERVED BY DS for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 01/09/2004

ORAL JUDGEMENT

1.0. The petitioner by way of this petition has sought direction to pay him 75% subsistence allowance.

2.0. From the record it appears that while admitting the petition, this Court [Coram : N.B. Patel, J.] vide order dated 23rd October, 1992 passed the following order:-

"Rule returnable on 12.11.92.
Learned A.G.P. Mr. Panchal states that the petitioner is actually being paid subsistence allowance at the rate of 75%. If, in fact, the petitioner is not being paid at the rate of 75% but is being paid at the rate of 50% as stated on behalf of the petitioner, then the respondents are directed by way of interim relief to pay subsistence allowance to the petitioner at the rate of 75%. Arrears to be paid within 10 days of the receipt of this order.
D.S. permitted.

3.0. Thus, in view of the order dated 23rd October, 1992, it is clear that the petition is allowed and now nothing remains in the matter. The petition stands disposed of accordingly. Rule is made absolute to the aforesaid extent with no order as to costs.

[K.S. JHAVERI, J.]

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